

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:17CR157DCB-FKB

MARCUS BATISTE

**MOTION TO QUASH SUBPOENAS REQUESTED FOR  
CRIME LABORATORY ANALYST**

The United States Attorney, by and through his undersigned assistant, files this Motion to Quash and deny any subpoena requested issued for Michael P. Houlne or any other analyst at the U.S. Customs and Border Protection Regional Science Center in Houston, Texas, to appear and give testimony at the sentencing hearing of Marcus Batiste and in support would show the following:

On March 5, 2018, the Government was notified that Mr. Weber, attorney for the defendant, was seeking to subpoena witnesses from the U.S. Customs and Border Protection Regional Science Center to testify at the sentencing hearing of defendant Marcus Batiste on April 10, 2018, at 11am in the United States District Court in Jackson, Mississippi.

The defendant is seeking to elicit testimony from the analyst regarding the methodology used and the results received of tests performed to detect illegal substances. The defendant pleaded guilty to one count of violating Title 18, United States Code, Section 1952(a)(3) on January 9, 2018. As part of that plea, the defendant agreed the substance recovered was methamphetamine. With this agreement, the Government submits that it is unnecessary for the analyst to testify to what the defendant has previously admitted.

Based upon the foregoing, the United States respectfully requests this Court to deny the defendant's Ex Parte Motion for Subpoenas requested for Michael P. Houlne and any other analyst of the U.S. Customs and Border Protection Regional Science Center in Houston, Texas and grant the Government's Motion to Quash any subpoenas requested.

RESPECTFULLY SUBMITTED this the 19<sup>th</sup> day of March, 2018.

D. MICHAEL HURST, JR.  
UNITED STATES ATTORNEY

BY: *s/ Erin O. Chalk*  
ERIN O. CHALK  
ASSISTANT U.S. ATTORNEY

Erin O. Chalk (MSB# 101721)  
Assistant U.S. Attorney  
501 E. Court Street, Ste 4.430  
Jackson, Mississippi 39201  
601-965-4480-telephone  
601-965-4409-facsimile

CERTIFICATE OF SERVICE

I, Erin O. Chalk, do hereby certify that I have this day filed the foregoing Motion to Quash using the electronic filing system, ECF, which sent notification to all parties of record.

This the 19<sup>th</sup> day of March, 2018.

*S/ Erin O. Chalk*  
Erin O. Chalk  
Assistant U.S. Attorney